

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE CALDERON, *et al.*,
Plaintiffs,

-v-

919 PROSPECT AVENUE LLC, *et al.*,
Defendants.

22-CV-96 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On April 16, 2024, Plaintiffs filed a letter motion seeking to compel Defendants to produce electronic communications between Plaintiff Jose Calderon and Defendant Seth Miller. (ECF No. 116.) On April 23, 2024, Plaintiffs filed another letter motion, seeking either a conference to resolve a discovery dispute stemming from the parties' inability to schedule the deposition of Defendant Miller, or an order directing Defendant Miller to promptly appear for a deposition. (ECF No. 117.) Defendants have not filed any responsive letters to either of Plaintiffs' letter motions.

The Court grants Plaintiffs' request at ECF No. 116, and it is hereby ORDERED that Defendants produce the full contents of WhatsApp chat threads involving Plaintiff Calderon and Defendant Miller, either by (a) retaining a third-party vendor to assist in the production of the WhatsApp content, subject to stipulated search terms, or by (b) producing any devices storing the messages to Plaintiffs for inspection, subject to stipulated search terms and a confidentiality protocol. Defendants may choose one of those two methods of production, but regardless of the chosen method, they must make the production within seven days of the issuance of this Order.

This Court also grants Plaintiffs' request at ECF No. 117, and it is further ORDERED that the parties schedule the deposition of Defendant Miller such that the deposition will occur within fourteen days of the issuance of this Order.

The Clerk is directed to terminate the motions at ECF Nos. 116 and 117.

SO ORDERED.

Dated: April 29, 2024
New York, New York



J. PAUL OETKEN
United States District Judge